

REMARKS

Claims 1-12, 44 and 47 are pending in the application.

Claims 1 stands rejected under 35 U.S.C. § 112 as allegedly indefinite. Claim 1 has been amended to correct a typographical error and for clarity. Withdrawal of the rejection with respect to the claim as amended is respectfully requested.

Claims 1-12, 44 and 47 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Bergman (U.S. Patent No. 6,442,694). This rejection is respectfully traversed. Claims 1 and 7 both require the step of “determining a probability that a terrorist attack using the weapon and at the delivery point will occur.” This limitation is directed toward an attack that “will occur” - in other words, an attack that is not yet underway but may occur at some time in the future.

In contrast to the invention of claims 1 and 7, Bergman is concerned with detecting attacks that are already underway, not predicting attacks that will occur in the future. The office action cites columns 10-12 of Bergman as teaching the aforementioned step of claims 1 and 7 without citing any particular lines of column 10-12. However, everything in columns 10-12 of Bergman refer to attacks that are underway. For example, at col. 10, line 40-42, Bergman states that “each node N2 is able to *detect* and recognize attacks being levied against it” (emphasis added). In a similar vein, col. 11, lines 35-37 state “the nodes 42 can *detect* failures with satisfactory false positive and false negative probabilities” (emphasis added). Col. 11, lines 42-43 state that “each node 42 in the network 40 determines if it *detects* an attack” (emphasis added). Finally, col. 12, lines 29-33 state “*when* an attack occurs in this network, the goal of the techniques set forth in accordance with the present invention is that the node *under attack* respond with an alarm and all other nodes respond with O.K.” (emphasis added).

All of the foregoing passages clearly refer to an attack that is underway. Detecting an attack is a far different thing from determining when an attack will occur in the future.

Accordingly, Bergman neither teaches nor suggests "determining a probability that a terrorist attack using the weapon and at the delivery point will occur" as required by claims 1 and 7 and withdrawal of the rejection is respectfully requested.

In light of the above, Applicants submit that this application is now in condition for allowance and therefore request favorable consideration. If any issues remain which the Examiner feels may be best resolved through a personal or telephonic interview, The Examiner is respectfully requested to contact Applicants' counsel, James M. Heintz at (202) 861-4167.

Respectfully submitted,

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